

Police Prosecutor Update

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This month we will look at some new legislation of interest to law enforcement officers.

P.L. 81-2008 created the offense of *inmate fraud*, IC 35-43-5-20, a Class C felony. Inmate means a person who is confined in the custody of the department of correction or a sheriff, a county jail, or a secure juvenile facility. An inmate commits this offense who, with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally: (1) makes a misrepresentation to the person and obtains or attempts to obtain money or other property from the person; or (2) obtains or attempts to obtain money or other property from the person through a misrepresentation made by another person.

P.L. 44-2008 added IC 35-33-1-1.7 requiring a facility having custody of a person arrested for a crime of domestic violence to keep the person in custody for at least 8 hours from the time of the arrest, and prohibits a person arrested for a crime of domestic violence from being released on bail during that 8-hour period.

P.L. 64-2008 added the new crime of *disarming a law enforcement officer*, a Class C felony, IC 35-44-3-3.5. A person commits this crime who knows that another person is a law enforcement officer or other officer required to carry a firearm and knowingly or intentionally takes or attempts to take a firearm or weapon from the officer or from the immediate proximity of the officer without the consent of the officer and while the officer is engaged in the performance of his or her official duties. It is a Class B felony if it results in serious bodily injury to the officer, and a Class A felony if the officer dies or results in serious bodily injury to the officer and a firearm was taken.

P.L. 68-2008 created the Class A misdemeanor of *failure to report a dead body*, IC 35-45-19-3. A person commits this offense who discovers or has custody of the body of a deceased person and who knowingly or intentionally fails to report the dead body to a public safety officer, coroner, physician, or 911 telephone call center within 3 hours of finding the body, when it appears the deceased person died by violence, suicide, accident, or under certain other suspicious or unusual circumstances.

P.L. 126-2008 created IC 9-26-1-1.5, providing that the law requiring a driver involved in an accident to stop at the accident scene, notify the appropriate law enforcement agency, and render reasonable assistance applies if the accident results in the entrapment of a person in a vehicle (under current law, the law applies only if the accident results in the injury or death of a person). If the driver is incapable of rendering assistance, then certain categories of passengers must do so. This public law also amended the OWI statutes, making OWI committed by a person with a previous conviction for OWI causing death, serious bodily injury, or with a minor in the vehicle a Class C felony. Leaving the scene of an accident after committing operating while intoxicated causing serious bodily injury is a Class B felony.

P.L. 104-2008 amended the invasion of privacy statute, IC 35-46-1-15.1, to include (1) violation of a condition of bail requiring the defendant to refrain from any direct or indirect contact with an individual, including if the defendant has not been released from lawful detention, and (2) violation of a condition of a person's executed sentence that the person refrain from any direct or indirect contact with an individual.

P.L. 41-2008 amended IC 16-37-1-12 to make birth certificate fraud a Class D felony (it is currently a Class A misdemeanor).

All this new legislation will be effective July 1, 2008.